

REMARKS

Applicant is in receipt of the Office Action mailed December 12, 2005. Claims 1, 10, and 32 have been amended. No claims have been added or cancelled. Therefore, claims 1, 2, 5-7, 10, 11, 14-16, 19, 22-24, and 28-32. Reconsideration of the present case is earnestly requested in light of the following remarks.

Information Disclosure Statements

Applicant notes that the Examiner has not acknowledged receipt of all of the Information Disclosure Statements filed for the above-captioned application. Applicant has attached the unacknowledged Form PTO-1449. The form lists references A, P, R, S and T (sent on May 31, 2005; received by the PTO on May 31, 2005 as indicated on the enclosed copy of the date-stamped Form PTO-1449). Applicant respectfully requests a signed, initialed copy of the Form PTO-1449 previously submitted for the above-captioned application.

Terminal Disclaimer

Applicant notes that the Examiner did not accept the submitted Terminal Disclaimer because several Application Serial Numbers were listed as "see Exhibit A" and the cover sheet listed the wrong Application Serial Number. A corrected Terminal Disclaimer was submitted on December 19, 2005. A copy is submitted herewith for the Examiner's convenience.

Section 103 Rejections

Claims 1, 5-7, 10, 14-16, 19, 22-24, and 28-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein et al. (US 6,226,623, "Schein") in view of Gottsman et al. (US 6,134,548, "Gottsman").

Claims 2 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Gottsman in further view of Bakalash et al. (US 6,434,544, "Bakalash").

Regarding claim 1, Schein in view of Gottsman fails to teach or suggest a **database server system, maintained by an application service provider (ASP), for generating contact data for potential customers of a business enterprise other than the ASP**. With regard to this feature, the Examiner cites column 8, lines 26-32, column 14, lines 55-59, and column 10, lines 66-67. However, Applicant notes that Schein is not directed towards *generating contact data for potential customers of a business enterprise other than the ASP*. Instead, Schein provides a method for centralizing data for a banking system; for example, in the Background of the Invention, Schein describes that banks tend to have multiple service providers in the bank that are not aware of the customers' full relationship with the bank. As a result, each of the service providers may have duplicate copies of information regarding the customer, such as, for example, contact information. Schein provides a method for centralizing this data, and allowing each service provider to recognize the customers' full relationship with the bank. For example, in the background, Schein describes that if a customer transferred money from one bank account to another, e.g., from a checking account to a savings account, neither service provider associated with the banking account would understand the relationship between the deposit and the withdrawal. Instead, the checking account would be aware of a withdrawal of a certain amount of money, e.g., \$100, and the savings account would be aware of a deposit of \$100. Neither would recognize that it was a simple transfer from one account to another within the same institution (column 2, lines 22-31). Applicant respectfully submits that one skilled in the art of e-commerce would understand that this process described in Schein is not *a database server system, maintained by an application service provider (ASP), for generating contact data for potential customers of a business enterprise other than the ASP*. Moreover, Applicant submits that the contact data described in Schein is directed to existing customers and not to the potential customers recited in claim 1.

With regard to the specific portions cited by the Examiner, Applicant notes that column 8, lines 26-32 recites:

These and other objects are achieved by the present invention which provides a global communications network that integrates customer information and makes the information accessible from remote locations. The system includes a

comprehensive database assembled from diverse sources and means for retrieving the information from the central database in a meaningful and practical way.

Thus, the cited portion describes the centralization of data into a single database, from disparate sources, e.g., the data known by each of the service providers. As noted above, Schein centralizes the customer information associated with multiple service providers, Schein nowhere discloses that this centralization is used for generating contact data for potential customers of a business enterprise other than the ASP. Column 10, lines 66-67 recites, “Thus, the central database servers as a single central repository for storing all customer related information throughout the business”. Similar to above, the gathering of data from disparate locations to a central database does not teach the feature of claim 1 recited above. Finally, the cited portion of column 14 states:

The CATS in the CAT network 12, like the common ATM, machine, provide a direct link between an end-user or customer and a computer network. The GIF 10 is also in communication with one or more financial institutions and financial service providers.

Applicant respectfully submits that this cited portion is simply not pertinent to the recited feature of claim 1. One skilled in the art of e-commerce understands that the network used for CATS, which may connect an ATM and the financial institution or service providers of the financial institution, is not relevant to *a database server system, maintained by an application service provider (ASP), for generating contact data for potential customers of a business enterprise other than the ASP*. Thus, for at least the reasons provided above, Applicant respectfully submits that Schein in view of Gottsman fails to teach or suggest this feature of claim 1.

With further regard to claim 1, Applicant submits that Schein in view of Gottsman fails to teach or suggest **a business profile system for providing profile data associated with sales to existing customers of the business enterprise**. With regard to this feature of claim 1, the Examiner cites column 8, lines 40-47, and 59-62, which recites:

The system of the present invention enables development of a closer relationship between customers and the bank by providing vast quantities of information to the consumer group and the business group users. In more detail, the system of the present invention accesses both traditional customer demographic information, such as name, account number, and other identifiers in addition to other

demographic information such as legal ownership, statement packaging, and liability and asset pricing. The demographic information is to be kept in repositories that support pending transactions as well as coordination of account information.

Thus, similar to above, Schein teaches that the banking institution, i.e., the various groups associated with the banking institution, may be able to access the customer identification data, as well as other identifiers, stored in the central repository. Applicant respectfully submits that Schein is silent as to *providing profile data associated with sales to existing customers of the business enterprise*. Instead, Schein refers to the aggregation of existing account information for access by members of the banking institution, i.e., to allow the banking institution to view all of the relationships associated with the customers. Applicant submits that the account information in Schein does not relate to profile data associated with sales as recited in claim 1.

Applicant notes that the Examiner also cited the following portion of column 8:

In the global deployment, the system of the present invention will be accessible to customers and bank employees through branch systems, ATMs (CATs), screen phones, Personal Computers, or other devices while using only a single identifier such as a card or PIN. The system of the present invention will also make data available based on other customer's information, such as account number(s), name, and social security number.

Applicant respectfully submits that this portion simply allows the banking institution to look up information based on an identifier. Those skilled in the art of e-commerce understand that cross-referencing an identifier is not *providing profile data associated with sales to existing customers of the business enterprise* as recited in the claims. Thus, for at least the reasons above, Applicant submits that Schein in view of Gottsman fails to teach or suggest this feature of claim 1.

Additionally, Schein in view of Gottsman fails to teach or suggest **a prospects harvester system for providing contact data representing information about prospective customers of a product or service offered by the business enterprise**. As argued above, Applicant submits that Schein nowhere teaches *generating contact data for potential customers of a business enterprise*; similarly, Schein fails to teach this feature of claim 1. More specifically, Schein fails to disclose *providing contact data representing*

information about prospective customers of a product or service offered by the business enterprise. With regard to this feature, the Examiner cites column 17, lines 60-67, column 19, lines 36-39, and column 20, lines 51-54. The portion of column 17 cited by the Examiner recites:

There are four major groupings 77 for relationship types, including legal 79, package 81, marketing 83, and others 85. The legal relationship attempts to determine the matrix between ownership, access, and liability. Banking packages form a relationship between the customer, the bank, the bank package, and the participating units in the relationship. The marketing relationship allows for customer leads and notes to be incorporated with the marketing campaign.

Although Schein discloses that the marketing relationship allows for customer leads and notes to be incorporated with the marketing campaign, he neither indicates where the customer leads and notes are generated, or provided from, nor whether the leads indicate prospective customers of a product or service offered by the business enterprise. Applicant respectfully reminds the Examiner that to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Schein nowhere discloses the feature of claim 1.

Applicant notes that the cited portion of column 19 states, “a second type of distribution point includes a remote delivery server. The remote delivery server provides access to the GIF’s banking products and services for the customer from a location of the customer’s choosing”. Applicant respectfully submits that the customer’s ability to access services provided by the bank is not relevant to *providing contact data representing information about prospective customers of a product or service offered by the business enterprise.* Those skilled in the art of e-commerce understand that a prospects harvester system for providing contact data as recited in claim 1 is not relevant to allowing a customer to use existing services from a different location. The cited portion of column 20 describes how a merchant may check whether the customer’s credit is sufficient for possible sales for the merchant at a remote location, e.g., from a point of sale device. Applicant reminds the Examiner that products sold by the merchant are not products or services offered by the business enterprise as recited in claim 1. Furthermore, this section, or any other of Schein, nowhere discloses the feature of claim

1 recited above. Thus, for at least the reasons provided above, Applicant respectfully submits that Schein in view of Gottsman fails to teach or suggest this feature of claim 1.

Furthermore, Schein in view of Gottsman fails to teach or suggest **the prospects harvester comprising a data acquisition process for extracting Internet text documents from unstructured Internet discussion sites selected from the group of: newsgroups, discussion forums, and mailing lists.** With regard to this feature, the Examiner cites column 20, lines 51-55, which, as argued above, has to do with verification of credit resources by a merchant; Applicant submits that those skilled in the art of the Internet understand that credit verification is not *extracting Internet text documents from unstructured Internet discussion sites selected from the group of: newsgroups, discussion forums, and mailing lists.* The Examiner also cites, column 15, lines 42-52, which recites:

In addition to controlled financial transaction and related services, GIF provides access to the end user to service providers, which generally correspond to item 16 in Fig. 1 and as indicated by column 40 and the interrelationship between the boxes of this column and the GIF 10. Each service provider may participate in one or more of the following services: structures; unstructured; management; and financial control. Standard protocols are used for requests and responses between service providers and end users including: voice, video, e-mail, fax, and so forth. Service providers include: gateways 42; product processors 44; and authorization engines 46.

Applicant respectfully submits that this cited portion, similar to above, is not pertinent to the feature of claim 1 recited above. Unstructured services are not *a data acquisition process for extracting Internet text documents from unstructured Internet discussion sites.* Additionally, Applicant respectfully submits that the fact that various protocols may be used to communicate information between service providers and end users, such as emails, is not relevant to extracting Internet text documents from unstructured Internet discussion sites. Furthermore, Applicant notes that the Examiner states: "Schein specifically teaches TCP/IP protocol establishes electronic communication and messaging services including both structured and unstructured message services...". However, as argued above, those skilled in the art understand that protocols for communication in no way teaches or suggests the prospects harvester

comprising a data acquisition process for extracting Internet text documents from unstructured Internet discussion sites selected from the group of: newsgroups, discussion forums, and mailing lists. Moreover, Schein in view of Gottsman nowhere teaches the unstructured Internet discussion site extraction process recited in claim 1. Thus, for at least the reasons provided above, Applicant submits that Schein in view of Gottsman fails to teach or suggest this feature of claim 1.

With further regard to claim 1, Applicant respectfully submits that Schein in view of Gottsman fails to teach or suggest **a web server for receiving queries from the enterprise, and for providing the response to the enterprise, via a web browser.** The Examiner cites column 15, lines 16-20 and 53-56, where Schein discloses various means of communication between a service provider and an end user, e.g., via email, or distribution points. Applicant respectfully submits that communication between the user and the service provider, e.g., using email, or other means of communication, is not a web server for receiving queries from the enterprise, and for providing the response to the enterprise, via a web browser. Additionally, Applicant submits that one skilled in the art understands that the end user of Schein is not the enterprise recited in the claims. Thus, for at least the reasons above, Schein in view of Gottsman fails to teach or suggest this feature of claim 1.

Additionally, Schein in view of Gottsman fails to teach or suggest **wherein the text indexing server is operable to receive queries from the business enterprise, each query representing a request for information about participants who are discussing a specified product or service.** The Examiner admits that Schein fails to teach this feature of claim 1, and instead relies on Gottsman. More specifically, the Examiner cites column 18, lines 9-18, which recite:

The strength of the News Page search engine is that it does a great job searching for the most recent news if you are able to give it a valid company name. Therefore when we submit a query to the news page web site, we send whatever company name we can identify and only if we cannot find one do we use the topics found to form a query. If neither one is found, then no search is performed. The algorithm utilized to form the query to submit to Alta Vista is illustrated in

FIG. 7. The algorithm that we will use to form the query to submit to News Page is illustrated in FIG. 8.

Applicant respectfully submits that Gottsman is directed towards finding information relevant to upcoming meetings, and nowhere describes the queries as recited in claim 1. For example, the cited portion of Gottsman searches for company names and then key words on the News Page. Gottsman nowhere discloses **each query representing a request for information about participants who are discussing a specified product or service**. As stated above, Applicant reminds the Examiner that in order to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. Gottsman nowhere mentions this feature of claim 1, and thus, for at least the reasons above, Schein in view of Gottsman fails to teach or suggest this feature.

Furthermore, Schein in view of Gottsman fails to teach or suggest **wherein the text indexing server is further operable to access both the text archive and the business profile data mart, to use the query as a basis for extracting data from the text archive and the business profile data mart, and to provide a response that represents data about participants who conform to business profile data**. The Examiner admits that Schein also fails to disclose this feature of claim 1 and must rely on Gottsman; more specifically, the Examiner relies on column 17, lines 49-56 and column 37, lines 44-52. Column 17 recites in part:

If the search is to utilize the Alta Vista search engine, then at function block 530, the system takes information from the meeting record and forms a query in function blocks 540 to 560 for submittal to the search engine. If the search is to utilize the NewsPage search engine, then at function block 520, the system takes information from the meeting record and forms a query in function blocks 521 to 528.

Applicant respectfully submits that the meeting record of Gottsman is not the business profile data mart recited in claim 1. More specifically, one skilled in the art knows that using the meeting record to generate a query to be run on Alta Vista is not using a text indexing server to query and extract data from both the text archive and the business profile data mart as recited in the claims. Moreover, Gottsman nowhere

discloses this feature of claim 1 and, more specifically, fails to teach the query and extraction process as recited to provide a response that represents data about participants who conform to business profile data. Applicant respectfully submits that searching the Internet using meeting criteria does not relate to querying and extracting information from the text archive and the business profile mart and to provide a response to the query regarding participants who conform to business profile data.

Column 37 describes that a user may have a smart card which digitally encodes information about the customer. More specifically, Gottsman teaches that the customer may reserve a hotel room using the card, where the card may allow the hotel to access further information about the customer, e.g., customer billing information. Thus, the customer may have a smart card which includes information about the customer that may be retrieved by a vendor. Applicant respectfully submits that paying with a smart card as disclosed in Gottsman is not relevant to *querying and extracting information from the text archive and the business profile mart and providing responses regarding participants who match the business profile data*. Applicant notes that the information stored on the smart card is not the text archive and the business profile mart as recited in claim 1, nor does the smart card provide responses that represent data about participants who conform to business profile data. Thus, for at least the reasons provided above, Schein in view of Gottsman fails to teach or suggest this feature of claim 1.

Finally, Applicant submits that there is no motivation to combine Schein and Gottsman. In the instant Office Action, the Examiner provided the motivation:

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Gottsman et al. into global financial services integration system of Schein et al. because that would have allowed users of Schein to query, conduct research, execute transactions with respect to user access relevant products and servers that including extensive planning decisions, financial planning, healthcare, personal and professional development and like as suggested by Gottsman et al [col 32, line 12-20], thus improving the quality and reliability of the system. [Sic]

Applicant respectfully submits that Schein already provides its users, i.e., the bank, the ability to query information in the system. In fact, Schein is specifically directed towards providing the full relationship of the customers to the financial

institution. Thus, Schein already allows for retrieval information without the query system provided by Gottsman. Furthermore, Applicant notes that the cited portion of Gottsman relates to customizing a webpage such that the user (of the webpage) may have a personalized interface for satisfying customer needs or desires, e.g., the planning, healthcare, and personal and professional development decisions described by the Examiner. Correspondingly, Applicant respectfully submits that the Examiner has merely identified a presumed benefit of Gottsman and has not provided a proper motivation to combine the two references. Furthermore, Applicant reminds the Examiner that obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Instead, the Examiner has listed presumed benefits of Gottsman, and has not given any indication from either Gottsman or Schein as to a motivation to make the proposed combination.

Additionally, the Examiner's provided motivation, *improving the quality and the reliability of the system* is too general because it could cover almost any alteration contemplated of Schein and does not address why this specific proposed modification would have been obvious. Applicant reminds the Examiner that the art must fairly teach or suggest to one to make the specific combination as claimed. Finally, although Gottsman teaches a method for querying, there is no suggestion, other than applicant's disclosure, to employ the specific features recited in claim 1. **The rejection is improper.**

Thus, even were the two references combinable, which Applicant argues they are not, Schein in view of Gottsman still fail to teach all of the features and limitations of claim 1, as argued above. Thus, for at least the reasons provided above, Applicant submits that Schein and Gottsman, taken singly or in combination, fail to teach all the features and limitations of claim 1, and so Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable. Claim 10 includes similar limitations as claim 1, and so the above arguments apply with equal force to this claim. Thus, for at least the reasons

provided above, Applicant submits that claim 10, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Applicant also submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION



Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/6039-00400/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Copy of the Form PTO-1449 received by the PTO on May 31, 2005
- ☒ Copy of the Terminal Disclaimer received by the PTO on December 19, 2005
- ☒ Information Disclosure Statement with accompanying Form PTO-1449, and references

J1 – J7

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "JCH", written over a horizontal line.

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